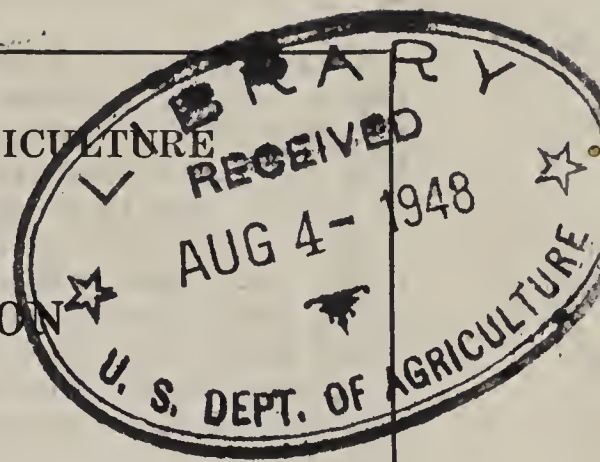


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UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

ALASKA GAME COMMISSION
JUNEAU, ALASKA



Circular No. 16

September 1938

FEDERAL LAWS RELATING TO WILDLIFE IN ALASKA

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ALASKA GAME LAW¹

[Act of Jan. 13, 1925, 43 Stat. 739, as amended Feb. 14, 1931, 46 Stat. 1111; U. S. Code, title 48, secs. 192-211, and June 25, 1938, Public Law No. 728, 75th Cong.]

AN ACT To establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds, in Alaska, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known by the short title of the "Alaska Game Law."

SEC. 2. *Definitions.*—That for the purposes of this Act the following shall be construed, respectively, to mean:

Commission: The Alaska Game Commission.

Territory: Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Indian: Natives of one-half or more Indian blood.

Eskimo: Natives of one-half or more Eskimo blood.

Take: Taking, pursuing, distributing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds; or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

Open season: The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Closed season: The time during which birds and animals may not be taken.

Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

¹ Regulations of the Secretary of Agriculture under the Alaska Game Law may be obtained from the Alaska Game Commission, Juneau, Alaska.

Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown and grizzly bears, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory or any part thereof and found and declared by the Secretary of Agriculture to be game animals, which shall be known as big game.

Land fur-bearing animals: Beaver, muskrat, marmot, raccoon, pika, squirrel, fisher, fox, lynx, marten or sable, mink, weasel, or ermine, land otter, wolverine, polar bear, and black bear, including its brown and blue (or glacier bear) color variations, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory or any part thereof and found and declared by the Secretary of Agriculture to be fur-bearing animals; but whenever the Secretary of Agriculture shall find that the aforesaid black bear, or its color variations, is predominantly hunted in any section of Alaska as a game animal rather than a fur-bearer, he shall so declare and then and thereafter, so long as such declaration remains in effect, such bear in the specified section of Alaska shall be considered to be a game animal to the same effect as if it had been expressly included in the foregoing definition of game animals.

Game birds: Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans; Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plover, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as cranes; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory or any part thereof and found and declared by the Secretary of Agriculture to be game birds.

Nongame birds: All wild birds except game birds.

SEC. 3. *Application and construction.*—That for the purposes of this Act a citizen of the United States who has been domiciled in the Territory for the purpose of making his permanent home therein, for not less than one year immediately preceding his claim for resident privileges or a foreign-born person not a citizen of the United States who has declared his intention to become a citizen of the United States, and has been domiciled in the Territory for a like period and purpose, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he declared his first intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. A foreign-born person not a citizen of the United States who has not declared his intention to become a citizen of the United States, or who has not resided in the Territory for at least one year after having declared such intention, shall be considered an alien: *Provided*, That whenever the Secretary of Agriculture shall determine that the economic welfare and interests of native Indians or Eskimos, or the fur resources of Alaska, are threatened by the influx of trappers from without the Territory, he may, in his discretion and for such periods as he shall determine, require that citizens of the United States who are non-residents of the Territory, and foreign-born persons and aliens within the meaning of this Act, shall have resided in Alaska for a continuous period of three years instead of one year before being eligible to obtain resident trapping licenses under the provisions of the Alaska game law, as amended, and regulations issued pursuant thereto.

That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 4. *Alaska Game Commission created.*—That a Commission to be known as the "Alaska Game Commission" is hereby created. The Commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture within sixty days after the passage of this Act, one member from each of the four judicial divisions of the Territory, each of whom shall be a resident citizen of the district from which he is appointed, and shall before his appointment have been for five years a resident of Alaska and shall not be a Federal employee, and all of whom shall serve until June 30 next following and thereafter one to serve one year, one to serve two years, one to serve three years, and one to serve four years, as the members of the Commission may determine by lot, and thereafter their successors to be appointed in like manner

to serve for four years unless sooner removed. The fifth member shall be the chief representative of the Bureau of Biological Survey resident of Alaska, who shall be the executive officer and fiscal agent of the Commission and under the direction of the Commission shall direct the administration of the provisions of this Act and disburse such sums as may be allotted therefor. The Secretary of Agriculture may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges the Secretary may suspend such commissioner. The Secretary of Agriculture shall fill vacancies on the Commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed.

That the members of the Commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of \$10 for each member for each day going to and from and in actual attendance at meetings of the Commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of \$1,500, and that of any of the other members, except the executive officer, the sum of \$900 in any one fiscal year, and each such member in addition shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska Game Law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of Agriculture, payable from the appropriation for the enforcement of the Alaska Game Law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate.

That the Commission shall maintain and have its principal office in the capital of the Territory. The members of the Commission shall meet at such principal office immediately following their appointment at a time designated by the Secretary of Agriculture, and shall organize by electing one member chairman and one member secretary, and shall determine by lot the terms of the members, other than the term of the executive officer.

That a majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the Commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the Commission and ordered filed in its office, shall be, and be deemed to be the order of the Commission. The Commission shall have an official seal.

SEC. 5. *Duties and powers of the Commission, wardens, and officers.*—That the Commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary; to fix their periods of service and compensation; to rent quarters; and to incur other necessary expenses payable from appropriations for carrying out the purposes of this Act, including printing and purchase, operation, maintenance, and repair of aircraft; restocking depleted areas and emergency feeding of wildlife; investigation of wildlife conditions; and protection of wildlife resources within the Territory; but, subject to review by the Commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination.

That each member of the Commission, any warden, any person appointed by the Secretary of Agriculture or by the Commission to enforce this Act, any Forest Service employee, marshal, deputy marshal, collector or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty to arrest without warrant any person committing a violation of this Act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and he shall have authority, with a search

warrant, to search any place at any time. Any officer or employee empowered to enforce this Act shall have authority without warrant to search any camp, camp outfit, pack or pack animals, automobile, wagon, or other vehicle, sled, or any boat, vessel, or other craft, in the Territorial waters of the United States, or any boat, vessel, or other craft of the United States on the high seas when such officer or employee has reasonable cause to believe that such camp, camp outfit, pack or pack animals, automobile, wagon, or other vehicle, sled, boat, vessel, or other craft has therein or thereon any of the animals or birds, or parts thereof, protected by this Act, taken, possessed, sold, intended for sale, or transported contrary to law. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of a violation of this Act may be seized, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this Act shall be seized within or outside the Territory by any officer or person authorized to enforce this Act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this Act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the Commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide shall be safely held and promptly delivered by him to the Commission, a game warden, or to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon request of the Secretary of Agriculture, to aid in carrying out the provisions of this Act.

SEC. 6. *Bond of Commissioners.*—That before entering upon the duties of his office, each member of the Commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of \$1,000, with sufficient sureties, and the executive officer shall so file such a bond in the sum of \$20,000 and each game warden or other person authorized by the Commission to sell licenses shall so file such a bond in the sum of \$500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each member of the Commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond.

SEC. 7. *Estimates and reports.*—That the Commission, on or before the 15th day of July each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a detailed report to him covering the administration of the law, including all expenditures and other operations for the preceding fiscal year, and such estimates shall be subject to revision by him.

SEC. 8. *Taking of animals and birds restricted.*—That, unless and except as permitted by this Act or by regulations made pursuant to this Act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird, or, except under regulations of the Secretary of Agriculture, to molest, damage, or destroy beaver or muskrat houses: *Provided*, That nothing in this Act shall be construed to prevent the collection or exportation of animals, birds, parts thereof or nests or eggs of birds for scientific purposes, or of live animals, birds, or eggs of birds for propagation or exhibition purposes, under a permit issued by the Secretary of Agriculture and under such regulations as he may prescribe. Land fur-bearing or game animals which escape from captivity, unless recaptured by their owners, in accordance with regulations prescribed by the Secretary of Agriculture, and all fur and game animals hereafter introduced into Alaska are declared to be wild fur-bearing or game animals and shall be subject to the provisions of this Act.

SEC. 9. *Poison, use prohibited.*—That no person shall at any time use any poison to kill any animal or bird protected by this Act or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the

direction of the Commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the Commission may adopt; and no person shall sell or give any strychnine or other poison designated by the Commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strychnine or other poison designated by the Commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the Commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the Commission shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce this Act, and he shall transmit such information monthly to the Commission.

SEC. 10. *Regulations.*—That the Secretary of Agriculture, upon consultation with or recommendation from the Commission, is hereby authorized and directed from time to time to determine when, to what extent if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat, or black bears if and when declared to be game animals by the Secretary of Agriculture under authority of section 2 of this Act, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any airplane, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the Migratory Bird Treaty Act and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, boat, vessel, sled, dog, or dog team, paraphernalia, or equipment, building, or other improvement or property of the United States used by the Commission in the administration and/or enforcement of the provisions of this Act, or as a notice to the public concerning the provisions of this Act or any regulation adopted pursuant thereto, or as a marker of the boundary of any area closed to hunting, trapping, or other special use under the provisions of this Act, or to destroy, remove, tamper with, or imitate any metal seal or seals issued by the Commission and attached to any skin, portion, or specimen of a wild animal or bird or other article for purposes of identification under its authority, in accordance with the provisions of this Act or any regulations thereunder.

SEC. 11. *Licenses: Subdivision A. Nonresident hunting license.*—That except as otherwise permitted by this Act, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by this Act without first having procured a nonresident hunting and trapping license as herein provided.

Subdivision B. Resident export license and permit.—That no resident of the Territory shall transport therefrom any game animal, bird, or part thereof,

unless he has (a) a resident export and return license, which will entitle him to transport out of the Territory for mounting and return to him in the Territory within one year such game animal, bird, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in license, or (b) a resident export permit, which may be issued by the Commission in its discretion, and which will entitle him to export from the Territory for other than return, but not for sale, such game animal, bird, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in the permit.

Subdivision C. Resident hunting and trapping licenses.—That the Commission whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this Act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of \$1 and for each trapping license the sum of \$2, but no such license shall be required of native Indians and Eskimos, or of residents under the age of sixteen; *Provided*, That a licensed trapper shall be entitled to the privilege of hunting without a hunting license. After the effective date of such regulation, no resident shall take any animal or bird protected by this Act without having first procured resident hunting and trapping licenses as herein provided.

Subdivision D. Registered guide license.—That only a resident citizen or a resident native Indian or Eskimo of the Territory may act as guide for a non-resident in any section of the Territory where the Commission by regulation requires nonresidents to employ guides, and he shall first register with the Commission on a form which it shall provide for this purpose and procure a registered guide license as herein provided, and the Commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the Commission to be registered.

Subdivision E. Alien special license.—That no alien shall take any of the animals or birds protected by this Act, or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license issued as herein provided.

Subdivision F. Records, reports.—Each person to whom a license is issued to take animals or birds, or to deal in furs, shall keep records which shall show the kind and number of each species of animals or birds so taken, purchased, or otherwise procured under such license, the persons from whom they were purchased and to whom they were sold, date of purchase or sale, name of the trapper, and the number of the trapper's license, and shall, on or before thirty days after the expiration of his license, make a written report to the Commission on a form prepared and furnished by it setting forth in full the data herein required to be recorded. Such records shall at all reasonable times be subject to inspection and examination by a member of the Commission and any of its employees and by any marshal or deputy marshal. Any licensee who shall fail correctly to keep such records or who shall fail to submit such report or who shall in any such report knowingly falsely state any such data or who shall refuse to exhibit his records for inspection and examination as herein required shall be punished as prescribed in section 15 of this Act.

Subdivision G. Fur-farm license.—That no person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

Subdivision H. Fur dealers, licenses, fees.—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this Act without first having procured a license as herein provided, but no license shall be required of native Indians or Eskimos, or of cooperative stores operated exclusively by and for native Indians or Eskimos, or of stores operated by missions exclusively for native Indians or Eskimos: *Provided*, That the stores exempted from procuring licenses as herein provided shall, on or before thirty days after the expiration of each license year as specified in this Act, make a written statement to the Commission on a form prepared and furnished by it setting forth such material facts concerning the management and operation of such store as the Commission may by such form require and in addition thereto shall keep the records, make the reports, incur the penalties, and in all other respects be subject to the requirements of subdivision F

of section 11 to the same extent as licensed fur dealers, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

The applicant for such a license shall accompany his application by the required fee as follows:

(a) If the applicant is a resident of the Territory, \$10, or is an association or copartnership composed exclusively of residents of the Territory, organized under the laws of the Territory, for each member, \$10.

(b) If the applicant is a nonresident of the Territory who is a citizen of the United States, or is a corporation composed exclusively of citizens of the United States, organized under the laws of the Territory or of a State of the United States, or is an association or copartnership composed exclusively of citizens of the United States, organized under the laws of the Territory or of a State of the United States, any member of which is a nonresident of the Territory, \$100.

(c) If the applicant is an alien, or is a corporation, association, or copartnership, not organized under the laws of the Territory or of a State of the United States, or is a corporation, association, or copartnership, any stockholder, or member of which is an alien, \$500.

(d) If the applicant is a resident of the Territory and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a resident itinerant agent of such dealer, \$10.

(e) If the applicant is a nonresident of the Territory but a citizen of the United States and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a nonresident citizen itinerant agent of such dealer, \$100.

(f) If the applicant is an alien and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or an alien itinerant agent of such dealer, \$500: *Provided*, That no license shall be issued to any agent whose principal has not procured a license in accordance with (a), (b), or (c).

Subdivision I. Fees and application for, and issuance of licenses and permits.—Licenses and resident export permits shall be issued by the Commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Resident export licenses and permits may also be issued by customs officers. Application blanks for licenses and permits shall be furnished by the Commission and shall be in such form as the Commission may by regulation determine. Each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory. Members of the Commission, and its game wardens, and other persons authorized in writing by it to issue licenses, and postmasters, and customs officers, are hereby authorized to administer such oaths. The applicant for a license or resident export permit shall accompany his application with a license or permit fee as follows:

Nonresident general hunting and trapping license, \$50; nonresident small-game hunting license, \$10; resident export and return license, \$1 for each trophy; resident export permit, if removing residence, \$1 for each animal, \$1 for each bird, if otherwise, \$5 for each animal, \$1 for each bird; registered guide license, \$10; alien special license, \$100; and fur-farm license, \$2.

Subdivision J. False statement in application for and alteration and expiration of licenses.—That any false statement in an application for license as to citizenship, place of residence, or other material facts shall render null and void the license issued upon it. Any person who shall make any false statements in an application for a license shall be guilty of a violation of this Act and upon conviction of any such violation shall be punished as provided in section 15 hereof. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this act, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

Subdivision K. Proceeds of licenses, disposition of.—That each officer or person selling licenses shall, as soon as practicable after the first day of each month, transmit the proceeds thereof with a report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture, to be covered into the Treasury of the United States as miscellaneous receipts, and 50 per centum thereof to the treasurer of the Territory to be covered into the Territorial school fund.

SEC. 12. *Collectors of customs, duties of.*—That it shall be the duty of collectors of customs at ports of entry in the United States to keep accurate

accounts of all consignments of game birds, game animals, skins of land fur-bearing animals, and parts thereof, received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this Act with respect to shipments of animals or birds or nests or eggs of birds.

SEC. 13. *United States attorneys, duties of.*—That it shall be the duty of the United States attorney for the division in which any wild animal or wild bird, or part thereof, or nest or egg of such bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold, or possessed contrary to the provisions of this Act, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution; the possession of any wild animal, bird, or part thereof, or nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any such action, constitute prima facie evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this Act, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the Commission: *Provided*, That no action in rem shall be required with respect to any wild animal or bird, or part thereof, or any gun, net, trap, or other device possessed or used in or in aid of a violation of this Act and legally seized when the claimant thereof releases such article or articles to the United States by a voluntary release in writing witnessed by two disinterested parties, in which case such articles shall be disposed of by the Commission and if sold the proceeds shall be disposed of as provided in this section.

SEC. 14. *Transfer of funds.*—That the unexpended balances of any sums appropriated by the Agricultural Appropriation Act for the fiscal years ending June 30, 1924 and 1925, for enforcing the provisions of section 1956 of the Revised Statutes, as amended, so far as it relates to the protection of land fur-bearing animals in the Territory, or by the Sundry Civil Act for the fiscal years ending June 30, 1924 and 1925, for the protection of game in the Territory, are hereby made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto.

SEC. 15. *Penalties.*—That unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this Act, or who fails to perform any duty imposed by this Act or any order or regulation adopted pursuant to this Act, is guilty of misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500 or be imprisoned not more than six months, or both; and, in addition thereto, any person convicted of a violation of any provision of this Act who is the holder of any form of license issued thereunder shall thereupon forfeit said license and shall surrender it upon demand of any person authorized by the Commission to receive it, and upon a second conviction he shall not be entitled to, nor shall he be granted, a license of such form for a period of one year from date of such forfeiture, and upon a third or successive conviction, for a period of five years from the date of such forfeiture; and any cooperative store operated exclusively by and for native Indians or Eskimos, or any store operated by missions exclusively for native Indians or Eskimos, without a license as provided in this Act, upon a second or third conviction for violation of this Act, shall not be entitled to engage in the business of dealing in furs for such time as the court before whom such conviction is had may decide: *Provided*, That such prohibition shall not be imposed for the first conviction, nor for a period in excess of one year from date of the second conviction, nor for a period in excess of five years from date of the third or any subsequent conviction; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the Commission.

That any licensed guide who shall fail or refuse to report promptly to the Commission any violation of this Act of which he may have knowledge, shall be guilty of a violation of this Act, and, in addition thereto, shall have his license revoked and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or, of the establishment to the satisfaction of the Commission of definite proof of such offense.

SEC. 16. *Administration of oaths for purposes of prosecution—coordination of fiscal business.*—That such officers, agents, or employees of the Secretary of Agriculture or the Alaska Game Commission as may be designated in writing by said Secretary or Commission for the purpose are hereby authorized and empowered to administer to or take from any person, an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of this Act; and, in order to coordinate the fiscal business of the United States Department of Agriculture and the Alaska Game Commission in Alaska, the ex officio commissioner of said Department in Alaska designated by the Secretary of Agriculture pursuant to the authority contained in the Act of February 10, 1927 (44 Stat. pt. 2, p. 1068), with the approval of said Commission, may assign a bonded, disbursing officer of said Department stationed in Alaska to perform and discharge, without additional compensation, so much of the duties imposed and conferred upon the executive officer of said Commission by this Act as consist of the disbursement and receipt of public funds; and during the continuation of such assignment the bond of such executive officer required by section 6 of this Act shall be reduced to \$1,000, and the bond of the disbursing officer so assigned shall be increased by the amount of \$20,000, the premium for such additional amount to be paid as provided for in said section 6 of this Act.

SEC. 17. That nothing in this Act contained shall be construed as repealing or modifying in any manner section 6 of the Act of Congress approved February 26, 1917 (Thirty-ninth Statutes at Large, page 938), entitled "An Act to establish the Mount McKinley National Park in the Territory of Alaska."

SEC. 18. *Date effective.*—That the provisions of this Act relating to the creation and organization of the Commission and with respect to making or adopting regulations shall take effect on its passage and approval; all other provisions of this Act shall take effect ninety days from the date of the publication of regulations of the Secretary of Agriculture.

LACEY ACT, EXTENDING POWERS OF THE DEPARTMENT OF AGRICULTURE AND REGULATING INTERSTATE AND FOREIGN COMMERCE IN WILD BIRDS AND OTHER ANIMALS

[Act of May 25, 1900, 31 Stat. 187]

SEC. 1. That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor. (U. S. Code, title 16, sec. 701.)

(For secs. 2, 3, and 4—now secs. 241–244, Penal Code—see below.)

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in

original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (U. S. Code, title 18, sec. 395.)

Secs. 2, 3, and 4 of the Lacey Act of May 25, 1900, 31 Stat. 187, were incorporated in the Penal Code of 1909, 35 Stat. 1137, as secs. 241-244, and with the amendments of secs. 242, 243, and 244 made by the Act of June 15, 1935, 49 Stat. 380, are as follows:

SEC. 241. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section. (U. S. Code, title 18, sec. 391.)

SEC. 242. It shall be unlawful for any person, firm, corporation, or association to deliver or knowingly receive for shipment, transportation, or carriage, or to ship, transport, or carry, by any means whatever, from any State, Territory, or the District of Columbia to, into, or through any other State, Territory, or the District of Columbia, or to a foreign country any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country contrary to any law of the United States, or captured, killed, taken, purchased, sold, or possessed contrary to any such law, or captured, killed, taken, shipped, transported, carried, purchased, sold, or possessed contrary to the law of any State, Territory, or the District of Columbia, or foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, purchased, sold, or possessed or in which it was delivered or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and it shall be unlawful for any person, firm, corporation, or association to transport, bring, or convey, by any means whatever, from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of the foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, delivered, or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and no person, firm, corporation, or association shall knowingly purchase or receive any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed, in violation of this section; nor shall any person, firm, corporation, or association purchasing or receiving any wild animal or bird, or the dead body or part thereof, or the egg of any such bird, imported from any foreign country, or shipped, transported, or carried in interstate commerce make any false record or render any account that is false in any respect in reference thereto. (U. S. Code, title 18, sec. 392.)

SEC. 243. All packages or containers in which wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked or labeled on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof. (U. S. Code, title 18, sec. 393.)

SEC. 244. For each evasion or violation of, or failure to comply with, any provision of the three sections last preceding, any person, firm, corporation, or association, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or both. (U. S. Code, title 18, sec. 394.)

SEC. 202. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of said sections 242 and 243, and any officer of the customs, shall have power to arrest any person committing a violation of any provision of said sections in his presence or view and

to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections; and shall have authority to execute any warrant to search for and seize wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received in violation of said sections 242 and 243. Any judge of a court established under the laws of the United States or any United States commissioner may, within his jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received contrary to the provisions of said sections 242 and 243 shall, when found, be taken into possession and custody by any such employee or by the United States marshal or his deputy, or by any officer of the customs, and held pending disposition thereof by the court; and when so taken into possession or custody, upon conviction of the offender or upon judgment of a court of the United States that the same were delivered or received for shipment, transportation, or carriage, or were shipped, transported, carried, brought, conveyed, purchased, or received contrary to any provision of said sections 242 and 243, or were imported in violation of any law of the United States, as a part of the penalty and in addition to any fine or imprisonment imposed under aforesaid section 244, or otherwise shall be forfeited and disposed of as directed by the court. (U. S. Code, title 18, sec. 393a.)

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES²

[Act of Mar. 4, 1909, 35 Stat. 1088, to codify, revise, and amend the penal laws of the United States, as amended Apr. 15, 1924, 43 Stat. 98 (U. S. Code, title 18, sec. 145)]

SEC. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both.

EXTRACT FROM MIGRATORY BIRD CONSERVATION ACT

[Act of Feb. 18, 1929, 45 Stat. 1222]

SEC. 715i. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this Act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this Act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this Act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this Act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

² Regulations relating to the Aleutian Islands Reservation and those pertaining to other refuges in Alaska may be obtained from the Alaska Game Commission, Juneau, Alaska.

SEC. 715l. That for the efficient execution of this Act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this Act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the Migratory Bird Treaty Act (title 16, section 706 of the United States Code) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the Act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this Act, when seized shall be disposed of as provided by section 5 of said Migratory Bird Treaty Act.

SEC. 715m. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both.

SEC. 715n. That for the purposes of this Act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires. (U. S. Code, title 16.)

PENALTIES FOR SETTING FIRES ON PUBLIC DOMAIN

[Act of Mar. 4, 1909, U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000, or imprisoned not more than two years, or both.

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000, or imprisoned not more than one year, or both. [Constitutional, *U. S. v. Alford*, 274 U. S., 264.]

ASSAULTING FEDERAL OFFICERS AND RESISTING ARREST

[Act of May 18, 1934, 48 Stat. 780, as amended Feb. 8, 1936, 49 Stat. 1105]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall kill, as defined in sections 273 or 274, of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275, of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1, hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than \$5,000, or imprisoned not more than three years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. (U. S. Code, title 18, sec. 253.)